

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED AMENDMENTS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE  
2001 EDITION OF THE CALIFORNIA BUILDING CODE (CBC),  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2,**

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**Subject:** Regulations regarding the 2001 edition of the California Building Code (CBC) and specified State amendments into California Building Standards Code, Part 2, Title 24 of the California Code of Regulations (CCR).

**Part Affected: Part 2, Volume 1, Title 24, CCR**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action.

**1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.**

**Administrative Requirement:** Government Code (GC) Section 12955.1 provides direction for the Department of Housing and Community Development (HCD) to propose adoption of building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing.

**2) Specific Purpose**

HCD has determined amendment of the 2001 CBC is needed pursuant to the requirements GC Section 12955.1 as established by Chapter 642 of the 2003 Statutes (SB 1025). HCD's proposed action will amend the 2001 edition of the CBC.

**The specific purpose** of these regulations is to amend the 2001 edition of the CBC, as indicated on the attached matrix table, into Part 2, Title 24, CCR, for the following programs:

**a) State Housing Law:**

1. Relative to residential occupancies, buildings or structures accessory thereto and as provided for HSC 17921.
2. Relative to California Fair Employment and Housing accessibility requirements as provided in GC 12955.1, except where the application is for public use only.

**b) Employee Housing Act:** relative to any building or structure or outdoors premises or property in accordance with Health and Safety Code Section 17040.

**c) Mobilehome Parks or Special Occupancy Parks:** relative to any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with Health and Safety Code Sections 18300 and 18960 for mobilehome parks, and 18865 and 18873.4 for special occupancy parks.

**d) Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

**3) Rationale for Necessity.**

The 2001 CBC became effective on November 1, 2002 and is based on the 1997 edition of the Uniform Building Code (UBC), published by the International Conference of Building Officials. HCD has developed amendments to the 2001 CBC to implement, interpret, and make specific provisions of state and federal law and /or to incorporate provisions that benefit the health, safety, and general welfare of the people of California.

**It is necessary to propose amendment** of some sections of the 2001 CBC to incorporate provisions of state law, provide clarity to the user, and incorporate revised accessibility language.

**It is necessary to propose amendment** of previously existing State amendments. Some of the existing State amendments will be amended as follows:

- Renumber the sections in order for amendments to fit appropriately into newly adopted text of the 2001 edition of the CBC.
- Add or change the reference to the application authority [HCD 1/AC].
- Revise Chapter 11A language for clarification and compliance with state law.

## **Specific Proposed Regulatory Actions:**

**Accessibility:** The Statutes of 2003 included Senate Bill 1025 that revised the definition of discrimination to include the failure to design and construct ten percent of multistory dwelling units in covered multifamily apartments and condominiums. HCD proposed regulations to implement and make specific provisions mandated by the revised law to the California Building Standards Commission (CBSC) on May 18, 2005 on an emergency basis. CBSC approved the regulations on an emergency basis with an effective date of July 1, 2005 to coincide with the effective date established in law. This rulemaking submittal is to complete the rulemaking process as established in the Building Standards Law and the Administrative Procedures Act.

## **Chapter 11A — HOUSING ACCESSIBILITY**

### ***SECTION 1102A [FOR HCD 1/AC] — DEFINITIONS***

#### ***1102A.3-C***

The definition of “Carriage Unit” has been added to this section to provide clarity to the code user. The added definition is consistent with the definition of carriage units provided by the Department of Housing and Urban Development (HUD) which establishes federal regulations that HCD must meet or exceed. Carriage units are a type of multistory dwelling unit; however, SB 1025 added language to GC 12955.1.1 defining multistory dwelling units similar to that in the building code.

### ***SECTION 1105A [FOR HCD 1/AC] — GROUP R OCCUPANCIES***

#### ***1105A.1***

HCD is proposing to remove the exception for multistory dwelling units in non-elevator buildings within this section for consistency with the new provisions of GC 12955.1.

#### ***1105A.2 [FOR HCD 1/AC] Multistory Dwellings.***

##### ***1105A.2.1***

HCD is proposing to add this section to implement the scoping provisions, ten percent of multistory dwelling units in buildings with no elevator, specified in SB 1025.

The exception was added to clarify that the definition of multistory dwelling unit did not include carriage units as defined in section 1102A.3-C. This exception is consistent with the carriage unit exemption within the Fair Housing Amendments Act Design Manual and clarifying letters from HUD’s General Counsel.

HCD is proposing to add items one through four to interpret and make specific the provisions listed in SB 1025 relating to primary entry level including accessible routes, bathrooms, other rooms and spaces, as well as common use areas serving these units.

### **1105A.2.2**

HCD is proposing to add this section to provide clarity to the code user. The proposed amendments within this section are consistent with current requirements and the language has been added to provide clarity between the accessibility provisions for buildings with an elevator and those without an elevator. The proposed amendment of this section will have no regulatory effect.

### **1107A.5**

HCD is proposing to remove the exception for multistory dwelling units in buildings without elevators to implement the provisions established by SB 1025.

### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

See Attachment A – Letter from U. S. Department of Housing and Urban Development

### **CONSIDERATION OF REASONABLE ALTERNATIVES.**

The Building Standards Commission has determined that there are no other reasonable alternatives considered that would be more appropriate

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

No alternatives were identified to lessen the adverse impact on small businesses.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.**

No facts, evidence, documents, testimony, or other evidence of no significant adverse economic impact on business have been identified.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.**

There is no known conflict or duplication with any of the State or Federal agency regulations.